

From: [Craig Cooper](#)  
To: [Luis Garcia-Bakarich](#)  
Cc: [David Cooper](#); [Nicole Moutoux](#)  
Subject: Re: TASC  
Date: 05/19/2009 04:57 PM

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Luis -

Is this E2's website? <http://www.e2.com> If so, then E2 has significant COI problems at the SSFL site. E2's website touts a significant amount of past work with DOE at Idaho National Lab and Rocky Flats in Colorado. FYI, doing a COI screen is not something that I alone am applying at SSFL, all Project Managers are required to do this at their sites. In fact, due to COI problems with R9 RAC contractors, Nicole had to go outside R9 to find our technical assistance contractor.

If indeed this is E2's website, then I can assure you that both Nicole and I (or probably any other RPM or Contracting Officer in the Region) would NOT allow E2 be an EPA contractor at the SSFL site. So, if we would not allow E2 to be our EPA contractor, how can we recommend E2 to be the Community's "independent" contractor?

So, if this is indeed, E2 website, I suggest we have a meeting with David, Dana, and Claire tomorrow morning. If this not E2's website, then cool, please send me their website so we can peruse their website. [Whether it be before or after May 26, Chris Rowe, ACME and Dan H will study E2's website very carefully so we better do this now.]

At the meeting our managers, we can discuss the following:

- The COI issue and alternatives to E2 (e.g. Using Subcontractor to E2, using another firm instead of E2, etc)
- Community methodology to decide the "credibility and technical qualifications" of a TASC consultant
- Agenda for the May 26 meeting;
- Roles and responsibilities of EPA staff attending this meeting.

I will check Claire's calendar for her availability for tomorrow morning.

I am totally fine with letting this public participation process to occur in the open. I am simply trying my best to ensure that EPA comes as prepared as possible for this meeting. Showing up at the May 26th meeting without a plan on how we will address these basic questions are a cause of great concern for me.

Craig

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▼ Luis Garcia-Bakarich---05/19/2009 02:06:18 PM---Craig- I sent E2 the COI form since you said that you have had all EPA contractors at the SSFL site

From: Luis Garcia-Bakarich/R9/USEPA/US  
To: Craig Cooper/R9/USEPA/US@EPA  
Cc: David Cooper/R9/USEPA/US@EPA, Nicole Moutoux/R9/USEPA/US@EPA  
Date: 05/19/2009 02:06 PM  
Subject: Re: TASC

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Craig-

I sent E2 the COI form since you said that you have had all EPA contractors at the SSFL site fill it out. I guess, I am having problems with determining how this information will be evaluated and determinations of credibility. I would like the EPA to review the COI and make the COI determination or use what ever process and criteria was determined in the COI for the Labs and every other EPA contractor that you have evaluated for this site. We can then make the review process and determination available for the public to review. Which leads me to the second issue of "credibility and apparent COI", I will need a process to equitably make this determination. If the community can develop their own agreeable terms then we will honor that, if not, then I will rely upon EPA's evaluation of their technical competency. I will not agree to discredit a consultant for other than legitimate technical incompetencies or a clear COI. If one group simply does not like the consultant or feels that they cannot work with them for an arbitrary reason, then I will not stop the process.

TASC is about public participation and these issues should be addressed in the public arena - not behind the scenes. Please just let the public participation process happen and keep everything in the open!

-Luis

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▼ Craig Cooper---05/19/2009 10:44:44 AM---Luis - I am fine with most of your edits to the talking points except before we edit them further w

From: Craig Cooper/R9/USEPA/US

To: Luis Garcia-Bakarich/R9/USEPA/US@EPA  
Cc: David Cooper/R9/USEPA/US@EPA, Nicole Moutoux/R9/USEPA/US@EPA  
Date: 05/19/2009 10:44 AM  
Subject: Re: TASC

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Luis - I am fine with most of your edits to the talking points except before we edit them further we should sit down and discuss two issues:

1. Screening E2 for Conflict of Interest. I strongly believe that we should have E2 do an internal check of conflict of interest before the May 26th meeting. Doing a COI screen is basic activity that is done every time we bring an EPA-funded contractor to a site. Despite what the TASC contract says, E2 may have done work for DOE or NASA in the past. If this turns out to be the case and we do not disclose this now and be up-front about it, it will look very bad for us and the TASC program if a COI problem comes out later. If we ask them today, E2 should be able to complete their COI screen for Boeing, DOE, and NASA before the 26th.

2. Community Acceptance of TASC Consultant. I thought we had agreed to a "unified community theory". By this I mean we either provide a consultant that the community jointly accepts or we do not provide TASC assistance at all. Once the TASC consultant is considered credible by the community, then the community can pose a wide variety of questions to the consultant and the consultant will report out to all community members jointly. One question that may be posed on May 26 is the following: What will EPA do if Chris Rowe accepts that TASC consultant is credible and ACME rejects the TASC consultant due to potential COI/bias, etc??? We should come to the May 26th meeting ready to answer this question. If EPA decides to provide a TASC consultant despite legitimate concerns (credible, COI, etc) from a portion of the community, we would be seen as providing a TASC consultant to Chris Rowe only which is something I cannot agree to. [Note: I also cannot agree to providing a TASC consultant to ACME only that Chris Rowe rejects for legitimate reasons]. In either scenario, EPA will be dividing the community further and EPA will be blamed for making matters worse.

Lets meet right away on this because if we cannot resolve it then we should elevate it to our managers ASAP this afternoon. I am free all day today; just let me know when you want to meet.

Craig

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From: Luis Garcia-Bakarich/R9/USEPA/US  
To: Craig Cooper/R9/USEPA/US@EPA  
Cc: David Cooper/R9/USEPA/US@EPA, Nicole Moutoux/R9/USEPA/US@EPA  
Date: 05/18/2009 05:26 PM  
Subject: Re: TASC

I would like to be more careful about providing Dan the opportunity to manipulate the process without actually getting involved. I think that your draft makes specific promises to Dan that are unnecessary and inappropriate. Dan does raise valid concerns however they should come from the participants and I hope that Dan is one of them. At this point, I think that we should commit to being open to discuss the issues that are raised at the coordination meeting to see if there is similar concerns. In terms of question #4 - the scope of work for the contract specifically states that the contractors will provide "independent, non-advocacy, technical assistance", and I interpret that mean free of interests. If the community is not satisfied with that and decides to develop additional conditions, they can do that at the coordination meeting. In order for TASC to be successful at SSFL, or anywhere, the process needs to be driven by public participation and not pre-set conditions. Again, I am strongly against making behind the scenes deals with individuals - that is NOT a transparent government process.

Please see my edits and comments.

[attachment "SSFL.DH\_CC\_LGB.cmts.doc" deleted by Craig Cooper/R9/USEPA/US]

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▼ Craig Cooper---05/18/2009 12:32:40 PM---Luis - Thanks for your email. See attached memo above. I reformatted your responses adding ad

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Cc: David Cooper/R9/USEPA/US@EPA, Nicole Moutoux/R9/USEPA/US@EPA  
Date: 05/18/2009 12:32 PM  
Subject: Re: TASC

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[attachment "TASC at SSFL.doc" deleted by Luis Garcia-Bakarich/R9/USEPA/US]

Luis - Thanks for your email. See attached memo above. I reformatted your responses adding additional information that I think is critical to a successful TASC program at SSFL. At this point, I think we are most vulnerable regarding Question 4 and we should have E2 screened for Conflict of Interest ASAP. In fact, I recommend that E2 do its COI analysis today or tomorrow. This is very important. I will send you a COI screening form that we recently used for screening laboratory COI at SSFL. If we can do that, and if the COI screen is successful, then I will hold off until Wednesday to contact Dan H. Please let me know if you have any comments or concerns with the attached memo (knowing that we will likely change our response to Question 4 based on the results of E2 COI screen.)

Thanks,  
Craig

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▼ Luis Garcia-Bakarich---05/18/2009 10:58:17 AM---Craig- I don't envy your position in this. In crafting a response to Dan, I would highlight the fac

From: Luis Garcia-Bakarich/R9/USEPA/US  
To: Craig Cooper/R9/USEPA/US@EPA  
Cc: David Cooper/R9/USEPA/US@EPA, Nicole Moutoux/R9/USEPA/US@EPA  
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Craig-

I don't envy your position in this. In crafting a response to Dan, I

would highlight the fact that this upcoming meeting is a community coordination meeting where the community will have the opportunity to vet their concerns. And, ACME through Christina Walsh has been coordinated with on this every step of the way.

1. How was the TASC consultant for SSFL selected?

**E^2 was awarded the contract to the TASC program through an open competition. As the prime contractors to the TASC contract when a request comes from the community, they are ones who initiate the assistance. If needs exist outside the expertise of the body of employees at E^2, they can subcontract to a more specialized professional. In terms of SSFL issues, I have forwarded Carl Paladino's list of criteria for a suitable consultant. Without much interaction with the community to this point, E^2 cannot determine if they will need to bring in external resources.**

2. Is there more than one TASC consultant available to R9?

**No. See above. And this goes Nation-wide.**

3. What are the resumes of the individuals to be assigned to SSFL? Can these resumes be reviewed in advance?

**I don't really see any problem with this, I would rather that this come up at the community coordination meeting. Ultimately, the EPA decides who is qualified to address the technical issues - so Craig, I will rely on you for this determination if Dan decides that no-one is qualified.**

4. Has this consultant and individuals been screened for conflict of interest with Boeing and DOE?

**To the best of my knowledge this has not been addressed. Again, I would ask that this concern be elevated at the community coordination meeting.**

Let me know if you would like to discuss further.

-Luis

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▼ Craig Cooper---05/18/2009 09:58:03 AM---David and Luis - Dan H received the EPA Fact Sheet concerning the TASC Consultant. Dan is very ups

From: Craig Cooper/R9/USEPA/US

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Cc: Nicole Moutoux/R9/USEPA/US@EPA  
Date: 05/18/2009 09:58 AM  
Subject: TASC

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David and Luis -

Dan H received the EPA Fact Sheet concerning the TASC Consultant. Dan is very upset and concerned about this Program and the lack of coordination with the community concerning screening consultants and explanation of what is going on. He says that ACME has not been properly coordinated with on this.

Primarily he is concerned that the EPA consultant will be:

- not technically qualified,
- pro-Nuc,
- of use to Chris Rowe's group only;
- and/or have a conflict of interest due to prior work with Boeing or DOE.

Here are his questions:

1. How was the TASC consultant for SSFL selected?
2. Is there more than one TASC consultant available to R9?
3. What are the resumes of the individuals to be assigned to SSFL?  
Can these resumes be reviewed in advance?
4. Has this consultant and individuals been screened for conflict of interest with Boeing and DOE?

I think his concerns and questions are fair and we should get back to him as soon as possible. Please email me back and I will let Dan know the answers to his questions.

Thanks,  
Craig

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